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Attorneys for Defendants
UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING
LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF
ARTURO J. GONZALEZ IN SUPPORT
OF DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S RESPONSE TO
WAYMO'S OFFER OF PROOF**

Trial Date: February 5, 2018

1 I, Arturo J. Gonzalez, declare as follows:

2 1. I am a member of the bar of the State of California and a partner with Morrison &
3 Foerster LLP, counsel of record for Defendants Uber Technologies, Inc. and Ottomotto LLC in
4 this action. I am a Fellow with the American Board of Trial Advocates and the International
5 Academy of Trial Lawyers and am an Associate with the American Board of Trial Advocates. I
6 am admitted to practice before all state and federal courts in California. I submit this declaration
7 in support of Defendants Uber Technologies, Inc. and Ottomotto LLC's Response to Waymo's
8 Offer of Proof. I have personal knowledge of the facts stated herein and, if called as a witness, I
9 could and would testify competently as to these facts.

10 2. When this Court issued its Notice regarding the Jacobs demand letter on
11 November 22, 2017, I did not have any recollection or knowledge of who Richard Jacobs was,
12 nor had I ever heard of a 37-page demand letter being written by Clayton Halunen, counsel for
13 Mr. Jacobs.

14 3. On subsequent investigation, I learned that on April 26, 2017, at 7:19 p.m., I had
15 received an email from one of my partners, Chuck Duross, in our Washington D.C. office. That
16 email was an email forward of an email from Joe Spiegler, in-house counsel at Uber, which
17 included the resignation email from Mr. Jacobs, dated April 14, 2017. Later that evening, after
18 9:00 p.m., I was copied on two other emails between partners in my firm that generally addressed
19 Uber e-discovery issues. I was then dropped from the chain. I do not believe that I read the
20 April 26 emails from Mr. Duross, or either of the subsequent emails addressing e-discovery
21 issues. My work schedule during that time period was extremely heavy, and I had delegated
22 e-discovery tasks to two of my partners, Sylvia Rivera and Wendy Ray.

23 4. On the day that I received the Jacobs resignation email, i.e., April 26, 2017,
24 I attended a lengthy (almost all-day) settlement conference before Judge Laporte in this litigation.
25 I also met and conferred with Waymo's counsel regarding discovery disputes, prepared a letter
26 brief on discovery issues, worked on the sur-reply opposition to Waymo's motion for preliminary
27 injunction, and prepared for a discovery hearing before Judge Corley. The following day, on
28 April 27, 2017, I attended a lengthy hearing (approximately three hours long) in this Court on

1 Uber's motion to compel arbitration, attended a discovery hearing before Judge Corley, and was
2 involved in numerous email exchanges regarding discovery issues. In addition, I worked four
3 hours on pretrial filings for a matter that I tried for VMware in June 2017 before Judge Haywood
4 Gilliam.

5 5. Since assuming the role as trial counsel for Uber in this matter shortly after it was
6 filed, I have billed time almost every single day (including holidays and weekends) and have
7 received dozens of emails each day on this matter alone. In addition to trying the VMware matter
8 in June 2017, I also served as lead trial counsel on a number of other matters for other clients
9 during 2017, including a matter that was scheduled to be tried in Los Angeles Superior Court in
10 September, but which was continued.

11 6. I did not see the 37-page Jacobs demand letter until after this Court issued its
12 November 22, 2017 Notice. Similarly, I did not know about any mediation involving Mr. Jacobs
13 until after this Court issued its Notice. I never intended to hide Mr. Jacobs's resignation email,
14 the Jacobs demand letter, or the Jacobs mediation from this Court or from Waymo.

15 7. Attached hereto as **Exhibit A** is a declaration that was signed by my partner,
16 Chuck Duross, last month and provided to Waymo in lieu of a deposition, as suggested by the
17 Special Master.

18 8. In an Order dated January 3, 2018 (Dkt. 2447), this Court asked whether it was
19 true that Waymo knew before the release of the Jacobs materials that Uber had used ephemeral
20 communications. Lior Ron from Uber was deposed on June 19, 2017, and testified that he and
21 Mr. Levandowski both used Telegram. In addition, on August 18, 2017, Eric Meyhofer from
22 Uber also testified that he had communicated with Mr. Levandowski using Telegram. True and
23 correct excerpts from these two depositions are attached hereto as **Exhibits B and C**,
24 respectively.

1 I declare until penalty of perjury that the foregoing is true and correct. Executed this
2 19th day of January, 2018 in Honolulu, Hawaii.

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4 /s/Arturo J. González
Arturo J. González
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